

Panama Canal Regulations

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housing portion of the station allowance) established for Panama, Republic of Panama, for a military member having the same rank and family size as the employee's military spouse. The employee whose spouse, by reason of U.S. Government employment in the Republic of Panama, is eligible under the Department of State Standardized Regulations (Government Civilian, Foreign Areas) (DSSR) for a living quarters allowance (LQA) may be paid the differential only to the extent that the amount of the differential otherwise payable exceeds the amount of LQA established for Panama, Republic of Panama, by sections 920 and 932.22 of the DSSR for one in the same quarter group and with the same family size as the employee's spouse.

(4) Tropical differential may be paid only to an individual whose retention the head of the agency determines is essential.

(c) The rule set forth in paragraph (b)(1) of this section shall not disqualify the employee who has been continuously employed since July 3, 1976, and who on that date was: (1) Receiving a differential, (2) Not receiving a differential because the employee's spouse was receiving a differential or a housing or living quarters allowance, (3) Not receiving a differential because the employee was under 21, unmarried, and the child or stepchild of a resident of the former Canal Zone or the Republic of Panama, or (4) Not receiving a differential solely because such payment when combined with his or her aggregate compensation established under prior regulations in this subpart would have exceeded the then current rate of step 5, GS-17, of the General Schedule previously set out in 5 U.S.C. 5332(a).

(d) The rules set forth in paragraph (b)(2) and (3) of this section shall not disqualify for the differential the employee who is living apart from his or her spouse while party to a pending action for divorce or separate maintenance filed in a court of competent jurisdiction.

(e) The rules set forth in paragraph (b)(1) of this section shall not disqualify an employee who has been continuously employed as a medical doctor since August 15, 1991 and who on

that date was receiving the tropical differential.

[47 FR 12952, Mar. 26, 1982, as amended at 56 FR 40556, Aug. 15, 1991]

§ 251.32 Additional remuneration under Panama Canal Treaty.

(a)(1) An overseas Panama Area differential for an employee in the category established by §251.12(b)(2) and who qualifies under the provisions of paragraph (b) of this section shall be fixed by the head of each agency for each position in an amount equal to (i) the rate of basic pay for the same or similar work performed in the continental United States by employees of the Government of the United States plus (ii) an amount equal to 15 percent of that rate, less (iii) the base rate of pay established for the position pursuant to §251.13. The amount of the differential shall not exceed 25 percent of the rate of pay for the same or similar work performed in the United States by employees of the Government of the United States.

(2) Notwithstanding the provisions of paragraph (a)(1) of this section, the Panama Area differential for pilots in the category established by §251.12(b)(2), employed in the navigation of vessels in the waters of the Panama Canal, who qualify under the provisions of paragraph (b) of this section, shall be an amount equal to 15 percent of the base salary established under §251.13.

(b) The Panama Area differential prescribed by paragraph (a) of this section shall be paid to each employee who qualifies under the following rules:

(1) An employee is eligible if recruited from outside the Republic of Panama for placement in Panama.

(2) The Panama Area differential may be paid only to an individual whose recruitment or retention the agency head determined to be essential.

(c) The rates of the Panama Area differential prescribed by this section shall be adjusted by heads of agencies with reference to changes in rates of pay for United States Government employees in the continental United States.

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(d) The rules set forth in paragraph (b)(1) of this section shall not disqualify an employee who has been continuously employed as a medical doctor since August 15, 1991, and who on that date was receiving the Panama Area differential.

[47 FR 12952, Mar. 26, 1982, as amended at 56 FR 40556, Aug. 15, 1991]

§ 251.41 Salary protection upon conversion of pay base.

(a) In the case of any employee whose rate of basic pay is determined in relation to rates of basic pay for the same or similar work in the United States and which is converted to a rate of basic pay which is determined in relation to rates in areas other than the United States, the employee shall continue to receive a rate of basic pay (but not including environmental differentials authorized under § 251.71 or § 251.72 of this chapter) not less than that to which the employee was entitled immediately before the conversion.

(b) This section shall cease to apply with respect to any employee if the employee is placed in a position:

(1) For which the rate of basic pay is determined in relation to rates of basic pay in the United States; or

(2) Which is of a lower grade.

§ 251.42 Individual pay determinations.

(a) Except as provided in paragraph (b) of this section, pay determinations in connection with personnel actions such as promotions, demotions, transfers, and conversions to new schedules shall be made in accordance with regulations generally in effect for employees in the Federal service as follows:

(1) *Non-manual category.* Salary changes for employees in this category shall be in general conformity with Subparts B and C of 5 CFR Part 531.

(2) *Manual category.* Wage determinations for employees in this category shall be made in accordance with regulations published by the PAPB. Such regulations shall generally conform to regulations published in 5 CFR Part 532.

(3) *Special category.* Salary and wage changes for employees in this category shall be made in accordance with regulations promulgated by the employing

agency. In those cases where more than one agency employs persons in positions in this category, the regulations will be developed jointly by the interested agencies.

(b) The pay and grade retention regulations in effect for employees to whom Chapter 51 of Title 5, United States Code, applies, which are set forth in 5 CFR Part 536, shall, in general, apply to reductions in the pay or grade of employees to whom this section applies, except that the provisions of 5 CFR Part 536 pertaining to retroactivity and to appeals shall not apply, and except that the PAPB may make other exceptions.

§ 251.43 Within-grade increases.

(a) *Non-manual category.* Employees in positions in this category shall be advanced to higher steps within the grade of their positions generally in accordance with 5 CFR Part 531, Subpart D.

(b) *Manual category.* Employees in positions in this category shall be advanced successively to the next higher step in their grade level generally in accordance with FPM Supplement 532-1.

(c) *Special category.* Employees in positions in this category shall be advanced successively to the next higher step within their grade in accordance with regulations to be prescribed by the head of the agency concerned.

[47 FR 12952, Mar. 26, 1982, as amended at 51 FR 33262, Sept. 19, 1986]

§ 251.71 Environmental and night shift differentials for manual-type positions.

The head of each agency, in coordination with the heads of other agencies, may authorize payment of environmental differentials for manual-type positions to compensate for exposure to hazards, physical hardships, and working conditions of an unusually severe nature which have not been considered in determining the base rate of pay for the position in question. Differentials for night work may also be established for manual-type positions. Any differential prescribed under this section shall conform with like differentials established under the Federal Wage System to the extent that it